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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,422	07/25/2001	Makoto Endou	WN-2368	4143
466	7590	06/16/2005	EXAMINER	
YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			WEBB, JAMISUE A	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/911,422

Applicant(s)

ENDOU, MAKOTO

Examiner

Jamisia A. Webb

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement filed 2/27/04 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered. The applicant has attempted to correct this issue, but sending in a return receipt, where it states the partial English translations were submitted. However, these documents are not in the case, and the examiner cannot consider the references until they are submitted.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-5, 7 and 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Kadaba (6,539,360) in view of UPS ([www.ups.com](http://www.ups.com)).

1. With respect to Claims 1 and 5: Kadaba discloses a home delivery system and method (see abstract) comprising a sender terminal unit (17), receiver terminal unit (60), and a distribution center unit (15). Kadaba discloses the customers can be either the sender or the

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receiver (Column 6, lines 54-58). Kadaba discloses the distribution center unit receives request information for a package to be delivered from sender to receiver and generates directing information for the distribution center to pick-up the package (Column 6, lines 37-53 and Column 7, lines 22-40).

2. Kadaba, teaches the use of scheduling a pick-up of a package at the sender's end, but fails to disclose the request having a date and time for pick-up. UPS discloses an On Call Air Pickup system, where a user, over the internet can send scheduling information for a package to be picked up at a sender's location, and can schedule the date and time the it is to be picked up (See UPS On Call Air Pickup page). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kadaba, to include the requesting of date and time of package pickup, as disclosed by UPS, in order to increase convenience of knowing when the package is going to be picked up, and to make sure the shipment is ready for pickup. (See UPS On Call Pickup Page)

3. With respect to Claims 4 and 8: Kadaba discloses the distribution center sends the sender a delivery confirmation (Column 9, lines 4-55).

4. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kabada and UPS as applied to claims 1 and 5 above, and further in view of Jones (6,748,318).

5. With respect to Claims 3 and 7: Kabada, as disclosed above for Claims 1 and 5, disclose a distribution center delivering a package to a receiver, but fails to disclose he distribution center asks the receiver for the desired date and time for delivery and generates information directing the center to deliver the package at that date and time. Jones discloses a shipping system and

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method, where the system allows the receiver to schedule (reschedule) a stop or delivery of a package (See Figures 1 and 2, and Column 11, lines 40-65, Column 26, lines 43-65). It would have been obvious to one having ordinary skill in the art at the time the invention was made, to modify Kadaba, to include the scheduling of delivery option, of Jones, in order to inform a user when a delivery is going to be made, so the receiver can be available to receive the delivery. (See Jones, Columns 1 and 2).

### *Response to Arguments*

6. Applicant's arguments filed 3/18/05 have been fully considered but they are not persuasive. The applicant has argued that UPS reference is not valid prior art, due to the fact that the printed date of the document was 12/13/04. However it should be noted that this website, exactly as it was printed out, was archived using a website [www.archive.org](http://www.archive.org), which keeps a collection of web pages, on certain dates. This webpage, as it was printed out, was archived 5/8/99, which is before the filing date of the application, and therefore a valid prior art reference. Therefore the rejections stand as stated above.

7. With respect to Applicant's argument the concise relevance of these IDS documents is explained on the first page of the IDS: The explanation given on the first page of the IDS, is not sufficient to be considered a precise explanation of relevancy, or cited in a US Search report. Therefore the references are still not considered, but placed in the file.

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1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

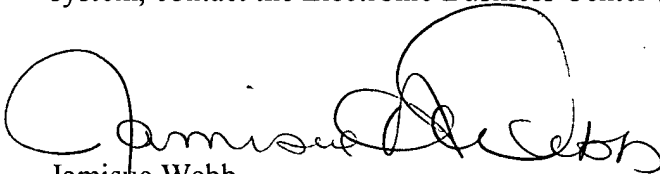
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Webb whose telephone number is (571) 272-6811.

The examiner can normally be reached on M-F (7:30 - 4:00).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamisue Webb



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